

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RUSSEL RUTLEDGE,

Plaintiff,

v.

No. 2:20-cv-452 KWR/KRS

CITY OF CARLSBAD, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on the Court's Order to Notify, (Doc. 27), filed January 28, 2021. Plaintiff failed to appear at the scheduled status conference and counsel for Defendants indicated Plaintiff intended to obtain counsel to represent him in this case. The Court ordered Plaintiff to either obtain counsel or notify the Court that he plans to proceed *pro se* no later than February 18, 2021. Plaintiff has not responded to the Order or asked for an extension of time to do so.

The Court may impose sanctions for Plaintiff's failure to prosecute his case and failure to comply with Court orders based on the Court's inherent power to regulate its docket and promote judicial efficiency. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003); *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005). Additionally, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute.

IT IS THEREFORE ORDERED that **no later than March 10, 2021**, Plaintiff shall respond in writing to this Order and show cause why this case should not be dismissed for Plaintiff's failure to comply with the Court's orders or to prosecute his case. Failure to respond to this Order may result in this case being dismissed without prejudice and without further notice.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Kevin Sweazea", written in black ink. The signature is positioned above a horizontal line.

KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE